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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,206	12/19/2003	Sharon D. Patrick	DET1927	9873
44088	7590	04/08/2005	EXAMINER	
SEAN KAUFHOLD P. O. BOX 89626 SIOUX FALLS, SD 57109			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER

3632

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/739,206

Applicant(s)

PATRICK, SHARON D.

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/739,206 Tissue Paper Supporting Assembly, filed on 12/19/03. Claims 1, 3-12 and 15-21 are pending. This **Final Office Action** is in response to applicant's reply dated 2/1/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

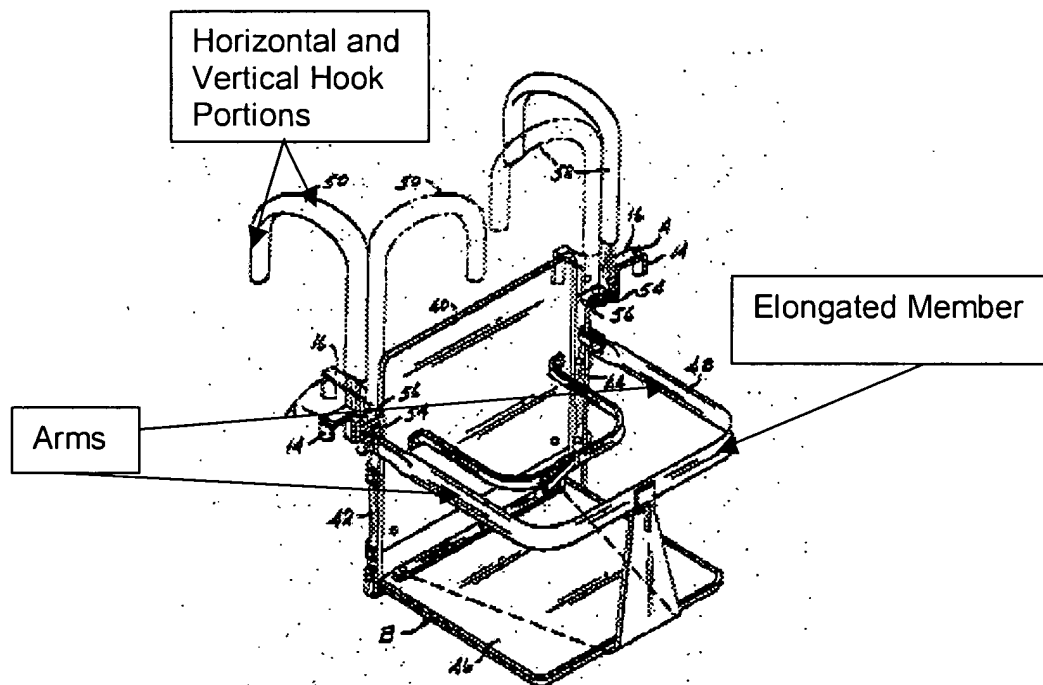
Claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2992854 to Berlin.

The patent to Berlin discloses a device having a panel (46), the panel having a rear edge, a forward edge and a pair of lateral side edges, a pair of legs (42, 44) the legs (42, 44) having a lower end being attached to and extending upwardly from the rear edge, the legs (42, 44) being spaced from each other such that each of the legs is positioned adjacent to one of the side edges, each of the legs being positioned in a plane oriented substantial perpendicular to a plane of the panel (46), a bracket (48) attached to the legs and extended over the panel (46) such that a plane of the bracket is oriented substantially parallel to the plane of the panel, a coupler (50, 52) attached to an upper end of the legs for selectively coupling the legs to a vertical surface and including teaching that a brace (40) is further attached to the legs.

Berlin also discloses wherein the bracket (48) has an elongated member (See drawing Below) which is substantially the same length as the length of the panel, the

bracket having a pair of arms (See Drawing) attached to and extending away from opposite ends of the elongated member, the arms being orientated perpendicular to the elongated member, each of the arms having a free end with respect to the elongated member, each of the free ends being attached to one of an outer edge of the legs.

Berlin also discloses that the coupler (50, 52) includes a pair of hooks attached to the legs and extending in an opposite direction than the bracket (48), the hooks having a horizontal portion and a downwardly extending vertical portion spaced from the legs.



Berlin discloses the claimed invention except for the desired ranges of the dimensions, (width from rear to forward edge is 1 to 2 inches, length between 4 to 5 inches, length of panel between 9 and 10 inches, and the height between 4 to 5 inches). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have this range, since it has been held that where the general

Art Unit: 3632

conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. See In re Aller, 105 USPQ 233. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Berlin to have any dimensions that is within a workable range, in order to optimize the device.

Claims 11, 12, and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2992854 to Berlin as applied to claims 1, 2 6 and 9-11 and further in view of United States Patent No. 6329583 to May.

Berlin discloses the applicant's basic inventive concept, all the elements which are shown above and including the method of providing a panel, providing a pair of legs, providing a bracket, coupling the legs to a vertical surface, providing a brace, positioning a device on the panel such that the brace extends around the device, and attaching the upper ends of the legs to a vertical surface.

Berlin does not show a support attached to and extending between the vertical portion of the hooks, the support having at least two apertures/holes and screws extending therethrough, each aperture having an axis orientated perpendicular to the plane of the legs.

Berlin also teaches the method of placing a device on the panel, but doesn't say that the device positioned on the panel is a tissue box. It would be obvious to one of ordinary skill in the art to have placed any easily carried item within the carrying device as taught by Berlin, the method of placing something on the panel which is taught by Berlin.

May teaches a device with a pair of legs (22) and a pair of hooks (23) with a vertical portion that teaches a support attached extending between the vertical portion of the hooks, the support (24) having at least two apertures/holes (near 25) and screws (25) extending therethrough, each aperture having an axis orientated perpendicular to the plane of the legs (22), the apertured support used so that further support may be added to the device when it is attached to the vertical surface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of May to have added this apertured support, in order to add further support to the device and to make it sturdier.

### ***Response to Arguments***

The applicant has argued that the dimensions cited above are not within the “workable” range of the device as intended. This is unpersuasive in that the child’s seat maybe dimensioned an any size, including the dimensions as listed above. This would not destroy the intended purpose of the device in that it may be used for a toy doll which represents a human child, which would require small dimensions such as those listed above. Therefore, this argument is unpersuasive.

The applicant has also argued that the method claims are not inherent from the structure above. This is unpersuasive in that method limitations that recite structure are inherent from the structure as presented.

***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments/communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.

We're moving to the new campus on 4/7/05 and the contact phone numbers will be changed as of 4/8/05. Please see the list below:

Amy Sterling 571-272-6823

Amy Sterling (Informal Fax) 571-273-6823

Art Unit: 3632

Leslie Braun 571-272-6815

Formal Fax 703-872-9306

Receptionist 571-272-3600



AJS  
Amy J. Sterling  
4/3/05



**RAMON O. RAMIREZ**  
**PRIMARY EXAMINER**